

Article 3. Prohibitions on Land Disposal**§66268.30. Waste Specific Prohibitions--Wood Preserving Wastes.**

(a) Effective August 11, 1997, the following wastes are prohibited from land disposal: the wastes specified in CCR, Title 22, chapter 11 as EPA Hazardous Waste numbers F032, F034, and F035.

(b) Effective May 12, 1999, the following wastes are prohibited from land disposal: soil and debris contaminated with F032, F034, F035; and radioactive wastes mixed with EPA Hazardous waste numbers F032, F034, and F035.

(c) Between May 12, 1997 and May 12, 1999, soil and debris contaminated with F032, F034, F035; and radioactive waste mixed with F032, F034, and F035 may be disposed in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in section 66268.5(h)(2) of this chapter.

(d) The requirements of subsections (a) and (b) of this section do not apply if:

(1) The wastes meet the applicable treatment standards specified in article 4 of this chapter;

(2) Persons have been granted an exemption from a prohibition pursuant to a petition under section 66268.6, with respect to those wastes and units covered by the petition;

(3) The wastes meet the applicable alternate treatment standards established pursuant to a petition granted under section 66268.44; or

(4) Persons have been granted an extension to the effective date of a prohibition pursuant to section 66268.5, with respect to those wastes covered by the extension.

(e) To determine whether a hazardous waste identified in this section exceeds the applicable treatment standards specified in section 66268.40, the initial generator shall test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable Universal Treatment Standard levels of section 66268.48 of this chapter, the waste is prohibited from land disposal, and all requirements of chapter 18 are applicable, except as otherwise specified.

NOTE: Authority cited: Sections 208, 25150, 25159 and 25179.6, Health and Safety Code. Reference: Sections 25150, 25159, 25159.5 and 25179.6, Health and Safety Code; 40 CFR Section 268.30.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Change without regulatory effect adding new subsection (d)(2) and subsection renumbering filed 8-15-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 33).
3. Change without regulatory effect amending section heading and repealing and adopting new section filed 6-4-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 23).

§66268.31. Waste Specific Prohibitions--Dioxin- Containing Wastes.

(a) Effective November 8, 1988, the dioxin-containing wastes specified in section 66261.31 of chapter 11 as EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, F027 and F028, are prohibited from land disposal unless the following condition applies: the F020-F023 and F026-F028 dioxin-containing waste is contaminated soil and debris resulting from a response action taken under section 104 or 106 of CERCLA or a corrective action taken under Subtitle C of RCRA.

(b) Effective November 8, 1990, the F020-F023 and F026-F028 dioxin-containing wastes listed in subsection (a) of this section are prohibited from land disposal.

(c) Between November 8, 1988 and November 8, 1990, wastes included in subsection (a) of this section may be disposed in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in section 66268.5(h)(2) and all other applicable requirements of chapters 14 and 15 of this division.

(d) The requirements of subsections (a) and (b) of this section do not apply if:

(1) the wastes meet the standards of article 4 of this chapter; or

(2) persons have been granted an exemption from a prohibition pursuant to a petition under section 66268.6, with respect to those wastes and units covered by the petition; or

(3) persons have been granted an extension to the effective date of a prohibition pursuant to section 66268.5, with respect to those wastes covered by the extension.

NOTE: Authority cited: Sections 208, 25150, 25159 and 25179.6, Health and Safety Code. Reference: Sections 25150, 25159, 25159.5 and 25179.6, Health and Safety Code; 40 CFR Section 268.31.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Change without regulatory effect adding new subsection (d)(2) and subsection renumbering filed 8-15-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 33).

§66268.31.5. Waste Specific Prohibitions - Soils Exhibiting the Toxicity Characteristic for Metals and Containing PCBs.

(a) Effective December 26, 2000, the following wastes are prohibited from land disposal: any volumes of soil exhibiting the toxicity characteristic solely because of the presence of metals (D004 - D011) and containing PCBs.

(b) The requirements of paragraph (a) of this section do not apply if:

(1)(A) The wastes contain halogenated organic compounds in total concentration less than 1,000 mg/kg;

and

(B) The wastes meet the treatment standards specified in article 4 of this chapter for EPA hazardous waste numbers D004 - D011, as applicable; or

(2)(A) The wastes contain halogenated organic compounds in total concentration less than 1,000 mg/kg;

and

(B) The wastes meet the alternative treatment standards specified in section 66268.49 for contaminated soil;

or

(3) Persons have been granted an exemption from a prohibition pursuant to a petition under section 66268.6, with respect to those wastes and units covered by the petition; or

(4) The wastes meet applicable alternative treatment standards established pursuant to a petition granted under section 66268.44.

NOTE: Authority cited: Sections 25150, 25159, 25179.6 and 58102, Health and Safety Code. Reference: Sections 25150, 25159, 25159.5 and 25179.6, Health and Safety Code; and 40 CFR Section 268.32.

HISTORY

1. Change without regulatory effect adopting new section filed 7—3—2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 27).

§66268.32. Waste Specific Prohibitions--California List Wastes.

(a) The following hazardous wastes are prohibited from land disposal effective on the specified date:

(1) effective January 1, 1984, liquid hazardous wastes containing polychlorinated biphenyls (PCBs) at concentrations greater than or equal to 50 ppm;

(2) effective June 1, 1983, liquid hazardous wastes, including free liquids associated with any solid or sludge, containing free cyanides at concentrations greater than or equal to 1000 mg/l.

(b)-(d) [Reserved]

(e) The following hazardous wastes are prohibited from land disposal effective on the specified date:

(1) effective January 1, 1985, liquid hazardous wastes that contain HOCs listed in Appendix III and Appendix III-A of this chapter, in total concentration greater than or equal to 1,000 mg/l; and

(2) [Reserved]

(f) The requirements of paragraphs (a), (d) and (e) of this section do not apply if:

(1) persons have been granted an exemption from a prohibition pursuant to a petition under section 66268.6, with respect to those wastes and units covered by the petition; or

(2) persons have been granted an extension to the effective date of a prohibition pursuant to section 66268.5 with respect to those wastes covered by the extension; or

(3) the wastes meet the applicable standards specified in article 4 of this chapter, or, where treatment standards are not specified, the wastes are in compliance with the applicable prohibitions set forth in this section.

(g) The prohibitions and effective dates specified in subsections (a)(3), (d) and (e) of this section do not apply where the waste is subject to a chapter 18, article 3 prohibition and effective date for a specified HOC (such as a hazardous waste chlorinated solvent).

(h) To determine whether or not a waste is a liquid under paragraphs (a) and (e) of this section, the following test shall be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," USEPA Publication No. SW-846, Third Edition. (Incorporated by reference, in section 66260.11(a) of this division.)

(i) Except as otherwise provided in this subsection, the waste analysis and recordkeeping requirements of section 66268.7 are applicable to wastes prohibited under this chapter.

(1) The initial generator of either a liquid hazardous waste containing polychlorinated biphenyls (PCBs) or a liquid or nonliquid hazardous waste containing halogenated organic compounds (HOCs), shall test the waste (not an extract or filtrate), or use knowledge of the waste, to determine whether the concentration levels in the waste equal or exceed the prohibition levels specified in this section. If the concentration of PCBs or HOCs in the waste is greater than or equal to the prohibition levels specified in this section, the waste is restricted from land disposal and all requirements of chapter 18 are applicable, except as otherwise specified in this section.

(2) The initial generator of liquid hazardous wastes containing free cyanides shall test the extract or filtrate to determine whether the concentration levels in the waste equal or exceed the prohibition levels specified in this section. If the concentration of free cyanides is greater than or equal to the prohibition levels specified in this section, the waste is restricted from land disposal and all requirements of chapter 18 are applicable, except as otherwise specified in this section.

(j) Effective July 8, 1992, nonliquid non-RCRA hazardous wastes containing halogenated organic compounds (HOCs) listed in Appendix III and Appendix III-A of this chapter in total concentration greater than or equal to 1,000 mg/kg HOC are prohibited from land disposal. Non-RCRA hazardous waste is defined in section 66261.101 of chapter 11.

(1) The prohibitions and effective dates specified in subsections (k) & (l) of this section do not apply when a waste is restricted pursuant to section 66268.29 of Chapter 18.

(l) Lab packs containing restricted hazardous wastes identified under article 3 of this chapter, other than that hazardous waste identified in subsection (l) of this section, may be placed in a landfill, and:

(1) the restricted hazardous wastes in the lab pack are not subject to land disposal restrictions imposed by the USEPA Administrator pursuant to 40 CFR Part 268; or

(2) the restricted hazardous wastes in the lab pack are removed before disposal; or
 (3) the restricted hazardous wastes in the lab pack have been treated in accordance with the applicable treatment standards specified in article 4 of this chapter.

(m) The following wastes, if they are non-RCRA hazardous wastes, are exempt from land disposal restrictions contained in this section:

- (1) drilling fluids, produced waters and other fluids or materials which are brought to the surface in conjunction with the exploration, development or production of crude oil or natural gas, and which are reinjected;
 - (2) mining overburden as defined by the Surface Mining and Reclamation Act, Public Resources Code, section 2732 deposited within the mining permit area pursuant to a Surface Mining and Reclamation Act permit;
 - (3) contaminated soil from cleanup of any hazardous waste site pursuant to approval by the Department, unless the Department determines that a recycling or treatment process is technically and economically feasible to render the contaminated soil no longer a listed restricted hazardous waste.
- (n) Hazardous wastes or land disposal methods that are exempt from the land disposal restrictions of this section remain subject to all of the other provisions of this chapter.

NOTE: Authority cited: Sections 208, 25150, 25159 and 25179.6, Health and Safety Code and Governor's Reorganization Plan Number 1 of 1991, Section 58012. Reference: Sections 25105, 25159, 25159.5 and 25179.6, Health and Safety Code; and 40 CFR Section 268.32.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. New subsection (k)(1) and amendment of Note filed 7-9-92 as an emergency; operative 7-8-92 (Register 92, No. 28). A Certificate of Compliance must be transmitted to OAL 11-5-92 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 7-9-92 order transmitted to OAL 10-26-92 and filed 12-2-92 (Register 92, No. 49).
4. Change without regulatory effect adding new subsection (g)(1) and subsection renumbering filed 8-15-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 33).
5. Change without regulatory effect amending section filed 6-4-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 23).

§66268.33. Waste Specific Prohibitions--Chlorinated Aliphatic Wastes.

(a) Effective May 8, 2001, the wastes specified in section 66261.32 as EPA Hazardous Wastes Numbers K174 and K175, soils and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soils and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal.

(b) The requirements of subsection (a) of this section do not apply if:

- (1) The wastes meet the applicable treatment standards specified in article 4 of this chapter;
- (2) Persons have been granted an exemption from a prohibition pursuant to a petition under section 66268.6, with respect to those wastes and units covered by the petition;
- (3) The wastes meet the applicable treatment standards established pursuant to a petition granted under section 66268.44;

(4) Hazardous debris that has met treatment standards in section 66268.40 or the alternative treatment standards in section 66268.45; or

(5) Persons have been granted an extension to the effective date of a prohibition pursuant to section 66268.5, with respect to these wastes covered by the extension.

(c) To determine whether a hazardous waste identified in this section exceeds the applicable treatment standards specified in section 66268.40, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains regulated constituents in excess of the applicable treatment standards specified in article 4 of this chapter, the waste is prohibited from land disposal, and all requirements of this chapter are applicable, except as otherwise specified.

(d) Disposal of K175 wastes that have complied with all applicable treatment standards specified in section 66268.40 must also be macroencapsulated in accordance with section 66268.45, Table 1, unless the waste is placed in:

- (1) A RCRA Subtitle C monofill containing only K175 wastes that meet all applicable section 66268.40 treatment standards; or
- (2) A dedicated RCRA Subtitle C landfill cell in which all other wastes being co-disposed are at pH≤6.0.

NOTE: Authority cited: Sections 25150, 25159, 25159.5, 25179.6 and 58012, Health and Safety Code. Reference: Sections 25150, 25159, 25159.5, 25179.6 and 58012, Health and Safety Code; 40 CFR Section 268.33.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Amendment of subsection (b) and Note filed 10-24-94 as an emergency; operative 10-24-94 (Register 94, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-20-95 or emergency language will be repealed by operation of law on the following day.
3. Amendment of subsection (b) and Note refiled 2-21-95 as an emergency; operative 2-21-95 (Register 95, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-21-95 or emergency language will be repealed by operation of law on the following day.

4. Amendment of subsection (b) and Note refiled 6-19-95 as an emergency; operative 6-19-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-17-95 or emergency language will be repealed by operation of law on the following day.
5. Amendment of subsection (b) and NOTE refiled 10-16-95 as an emergency; operative 10-16-95 (Register 95, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-13-96 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 10-24-94 order transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
7. Change without regulatory effect adding new subsection (e)(2) and subsection renumbering filed 8-15-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 33).
8. Change without regulatory effect amending section heading and repealing and adopting new section filed 6-4-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 23).
9. Change without regulatory effect amending section heading and repealing and adopting new section filed 7—3—2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 27).

§66268.34. Waste Specific Prohibitions--Toxicity Characteristic Metal Wastes.

(a) Effective August 24, 1998, the following wastes are prohibited from land disposal: the wastes specified in CCR, Title 22, division 4.5, chapter 11 as EPA Hazardous Waste numbers D004 - D011 that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the Toxic Characteristic Leaching Procedure but not the Extraction Procedure), and waste, soil, or debris from mineral processing operations that is identified as hazardous by the specifications at CCR, Title 22, division 4.5, chapter 11.

(b) Effective November 26, 1998, the following waste is prohibited from land disposal: slag from secondary lead smelting which exhibits the Toxicity Characteristic due to the presence of one or more metals pursuant to section 66261.24(a)(1) of this division.

(c) Effective May 26, 2000, the following wastes are prohibited from land disposal: newly identified characteristic wastes from elemental phosphorus processing; radioactive wastes mixed with EPA Hazardous wastes D004 - D011 that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the Toxic Characteristic Leaching Procedure but not the Extraction Procedure); or mixed with newly identified characteristic mineral processing wastes, soil, or debris.

(d) Between May 26, 1998 and May 26, 2000, newly identified characteristic wastes from elemental phosphorus processing, radioactive waste mixed with D004 - D011 wastes that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the Toxic Characteristic Leaching Procedure but not the Extraction Procedure), or mixed with newly identified characteristic mineral processing wastes, soil, or debris may be disposed in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in section 66268.5(h)(2) of this chapter.

(e) The requirements of subsections(a) and (b) of this section do not apply if:

- (1) The wastes meet the applicable treatment standards specified in article 4 of this chapter;
- (2) Persons have been granted an exemption from a prohibition pursuant to a petition under section 66268.6, with respect to those wastes and units covered by the petition;
- (3) The wastes meet the applicable alternate treatment standards established pursuant to a petition granted under section 66268.44; or
- (4) Persons have been granted an extension to the effective date of a prohibition pursuant to section 66268.5, with respect to these wastes covered by the extension.

(f) To determine whether a hazardous waste identified in this section exceeds the applicable treatment standards specified in section 66268.40, the initial generator shall test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentration in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents (including underlying hazardous constituents in characteristic wastes) in excess of the applicable Universal Treatment Standard levels of section 66268.48 of this chapter, the waste is prohibited from land disposal, and all requirements of chapter 18 are applicable, except as otherwise specified.

NOTE: Authority cited: Sections 208, 25150, 25159, 25159.5, 25179.6, and 58012, Health and Safety Code.

Reference: Sections 25150, 25159, 25159.5, 25179.6, and 58012, Health and Safety Code; 40 CFR Section 268.34.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Change without regulatory effect amending subsection (f)(1) and adding new subsection (f)(2) filed 8-15-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 33).
3. Change without regulatory effect amending section heading and repealing and adopting new section filed 6-4-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 23).
4. Change without regulatory effect adding subsection (b), relettering subsections and amending NOTE filed 9—11—2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 37).
5. Change without regulatory effect amending subsection (b) filed 1-13-2005 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2005, No. 2).

§66268.35. [Reserved].

NOTE: Authority cited: Sections 25150, 25159, 25159.5, 25179.6 and 58012, Health and Safety Code. Reference: Sections 25150, 25159, 25159.5, 25179.6 and 58012, Health and Safety Code; 40 CFR Section 268.35.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Amendment of subsections (a), (c), (d), amendment and redesignation of subsection (e) to subsections (e)-(e)(5)(B)8., new subsection (k) and amendment of Note filed 10-24-94 as an emergency; operative 10-24-94 (Register 94, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-20-95 or emergency language will be repealed by operation of law on the following day.
3. Amendment of subsections (a), (c), (d), amendment and redesignation of subsection (e) to subsections (e)-(e)(5)(B)8., new subsection (k) and amendment of Note refiled 2-21-95 as an emergency; operative 2-21-95 (Register 95, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-21-95 or emergency language will be repealed by operation of law on the following day.
4. Amendment of subsections (a), (c), (d), amendment and redesignation of subsection (e) to subsections (e)-(e)(5)(B)8., new subsection (k) and amendment of Note refiled 6-19-95 as an emergency; operative 6-19-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-17-95 or emergency language will be repealed by operation of law on the following day.
5. Amendment of subsections (a), (c), (d), amendment and redesignation of subsection (e) to subsections (e)-(e)(5)(B)8., new subsection (k) and amendment of Note refiled 10-16-95 as an emergency; operative 10-16-95 (Register 95, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-13-96 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 10-24-94 order including amendment of subsections (a), (c), (d) and (e)(5)(B)8., repealer of subsection (i)(2) and subsection renumbering transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
7. Change without regulatory effect amending subsection (e)(3) and (l)(1), adding new subsection (i)(2), renumbering subsections, and amending newly designated subsection (i)(3) filed 8-15-97 pursuant to section 100, title 1, California code of Regulations (Register 97, No. 33).
8. Editorial correction of HISTORY 7 (Register 98, No. 42).
9. Change without regulatory effect repealing section filed 6-4-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 23).

§66268.36. [Reserved].

NOTE: Authority cited: Sections 25150, 25159, 25159.5, 25179.6 and 58012, Health and Safety Code. Reference: Sections 25159, 25159.5 and 58012, Health and Safety Code; 40 CFR Section 268.36.

HISTORY

1. New section filed 10-24-94 as an emergency; operative 10-24-94 (Register 94, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-20-95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 2-21-95 as an emergency; operative 2-21-95 (Register 95, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-21-95 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 6-19-95 as an emergency; operative 6-19-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-17-95 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 10-16-95 as an emergency; operative 10-16-95 (Register 95, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-13-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 10-24-94 order including relettering and amendment of subsection (h)(3)(A) to (i) transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Change without regulatory effect amending subsection (h)(1), adding new subsection (h)(2), renumbering subsections, and amending newly designated subsections (h)(3) and (h)(4) filed 8-15-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 33).
7. Change without regulatory effect repealing section filed 6-4-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 23).

§66268.37. Waste Specific Prohibitions-Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated.

Effective August 9, 1993, the wastes specified in section 66261.21 as D001 (and is not in the High TOC Ignitable Liquids Subcategory), and specified in section 66261.22 as D002, that are managed in systems other than those whose discharge is regulated under the Clean Water Act (CWA) or that are zero dischargers that engage in CWA-equivalent treatment before ultimate land disposal, are prohibited from land disposal. CWA-equivalent treatment means biological treatment for organics, alkaline chlorination or ferrous sulfate precipitation for cyanide, precipitation/sedimentation for metals, reduction of hexavalent chromium, or other treatment technology that can be demonstrated to perform equally or greater than these technologies.

NOTE: Authority cited: Sections 25150, 25159, 25159.5, 25179.6 and 58012, Health and Safety Code. Reference: Sections 25159, 25159.5 and 58012, Health and Safety Code; 40 CFR Section 268.37.

HISTORY

1. New section filed 10-24-94 as an emergency; operative 10-24-94 (Register 94, No. 43). A Certificate of

Compliance must be transmitted to OAL by 2-20-95 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 2-21-95 as an emergency; operative 2-21-95 (Register 95, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-21-95 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 6-19-95 as an emergency; operative 6-19-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-17-95 or emergency language will be repealed by operation of law on the following day.

4. New section refiled 10-16-95 as an emergency; operative 10-16-95 (Register 95, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-13-96 or emergency language will be repealed by operation of law on the following day.

5. Certificate of Compliance as to 10-24-94 order including amendment of subsection (a) transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).

6. Change without regulatory effect repealing subsection (a) designator filed 8-15-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 33).

§66268.38. Waste Specific Prohibitions-Newly Identified Organic Toxicity Characteristic Wastes and Newly Listed Coke By-Product and Chlorotoluene Production Wastes.

(a) Effective December 19, 1994, the wastes specified in section 66261.32 as EPA Hazardous Waste numbers K141, K142, K143, K144, K145, K147, K148, K149, K150, and K151 are prohibited from land disposal. In addition, debris contaminated with EPA Hazardous Waste numbers F037, F038, K107 - K112, K117, K118, K123 - K126, K131, K132, K136, U328, U353, U359, and soil and debris contaminated with D012 - D043, K141 -K145, and K147 - K151 are prohibited from land disposal. The following wastes that are specified in section 66261.24, Table 1 as EPA Hazardous Waste numbers: D012 D013, D014, D015, D016, D017, D018, D019, D020, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D031, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, D043 that are not radioactive, or that are managed in systems other than those whose discharge is regulated under the Clean Water Act (CWA), or that are zero dischargers that do not engage in CWA-equivalent treatment before ultimate land disposal, are prohibited from land disposal. CWA-equivalent treatment means biological treatment for organics, alkaline chlorination or ferrous sulfate precipitation for cyanide, precipitation/sedimentation for metals, reduction of hexavalent chromium, or other treatment technology that can be demonstrated to perform equally or better than these technologies.

(b) On September 19, 1996, radioactive wastes that are mixed with D018-D043 that are managed in systems other than those whose discharge is regulated under the Clean Water Act (CWA), or that are zero dischargers that engage in CWA-equivalent treatment before ultimate land disposal are prohibited from land disposal. CWA-equivalent treatment means biological treatment for organics, alkaline chlorination or ferrous sulfate precipitation for cyanide, precipitation/sedimentation for metals, reduction of hexavalent chromium, or other treatment technology that can be demonstrated to perform equally or greater than these technologies. Radioactive wastes mixed with K141 - K145, and K147 - K151 are also prohibited from land disposal. In addition, soil and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.

(c) Between December 19, 1994, and September 19, 1996, the wastes included in subsection (b) of this section may be disposed in a landfill or surface impoundment, only if such unit is in compliance with the requirements specified in section 66268.5(h)(2) of this chapter.

(d) The requirements of subsections (a), (b), and (c) of this section do not apply if:

- (1) the wastes meet the applicable treatment standards specified in article 4 of this chapter;
- (2) persons have been granted an exemption from a prohibition pursuant to a petition under section 66268.6, with respect to those wastes and units covered by the petition; or
- (3) the wastes meet the applicable alternate treatment standards established pursuant to a petition granted under section 66268.44 of this chapter; or
- (4) persons have been granted an extension to the effective date of a prohibition pursuant to section 66268.5, with respect to these wastes covered by the extension.

(e) To determine whether a hazardous waste identified in this section exceeds the applicable treatment standards specified in section 66268.40, the initial generator shall test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable article 4 levels, the waste is prohibited from land disposal, and all requirements of chapter 18 of this division are applicable, except as otherwise specified.

NOTE: Authority cited: Sections 25150, 25159, 25159.5, 25179.6 and 58012, Health and Safety Code. Reference: Sections 25159, 25159.5 and 58012, Health and Safety Code; 40 CFR Section 268.38.

HISTORY

1. New section filed 10-24-94 as an emergency; operative 10-24-94 (Register 94, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-20-95 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 2-21-95 as an emergency; operative 2-21-95 (Register 95, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-21-95 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 6-19-95 as an emergency; operative 6-19-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-17-95 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 10-16-95 as an emergency; operative 10-16-95 (Register 95, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-13-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 10-24-94 order including amendment of subsections (a), (b), and (e) transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Change without regulatory effect amending subsection (d)(1), adding new subsection (d)(2), renumbering subsections, and amending newly designated subsections (d)(3) and (d)(4) filed 8-15-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 33).

§66268.39. Waste Specific Prohibitions--Spent Aluminum Potliners; Reactive; and Carbamate Wastes.

(a) On July 8, 1996, the wastes specified in section 66261.32 as EPA Hazardous Waste numbers K156-K159 and K161; and in section 66261.33 as EPA Hazardous Waste numbers P127, P128, P185, P188-P192, P194, P196-P199, P201-P205, U271, U278-U280, U364, U367, U372, U373, U387, U389, U394, U395, U404, and U409-U411 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.

(b) On July 8, 1996, the wastes identified in section 66261.23 as D003 that are managed in systems other than those whose discharge is regulated under the federal Clean Water Act (CWA), or that inject in Class I deep wells regulated under the federal Safe Drinking Water Act (SDWA) or that are zero dischargers that engage in federal CWA-equivalent treatment before ultimate land disposal, are prohibited from land disposal. This prohibition does not apply to unexploded ordnance and other explosive devices which have been the subject of an emergency response. (Such D003 wastes are prohibited unless they meet the treatment standard of DEACT before land disposal (see section 66268.40)).

(c) On October 8, 1997, the wastes specified in section 66261.32 as EPA Hazardous Waste number K088 are prohibited from land disposal. In addition, soil and debris contaminated with this waste is prohibited from land disposal.

(d) On April 8, 1998, radioactive wastes mixed with K088, K156-K159, K161, P127, P128, P185, P188-P192, P194, P196-P199, P201-P205, U271, U278-U280, U364, U367, U372, U373, U387, U389, U394, U395, U404, and U409-U411 are prohibited from land disposal. In addition, soil and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.

(e) Between July 8, 1996, and April 8, 1998, the wastes included in subsections (a), (c), and (d) of this section may be disposed in a landfill or surface impoundment, only if such unit is in compliance with the requirements specified in section 66268.5(h)(2).

(f) The requirements of subsections (a), (b), (c), and (d) of this section do not apply if:

- (1) The wastes meet the applicable treatment standards specified in article 4 of this chapter;
- (2) Persons have been granted an exemption from a prohibition pursuant to a petition under section 66268.6, with respect to those wastes and units covered by the petition;
- (3) The wastes meet the applicable alternate treatment standards established pursuant to a petition granted under section 66268.44;
- (4) Persons have been granted an extension to the effective date of a prohibition pursuant to section 66268.5, with respect to these wastes covered by the extension.

(g) To determine whether a hazardous waste identified in this section exceeds the applicable treatment standards specified in section 66268.40, the initial generator shall test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable article 4 levels, the waste is prohibited from land disposal, and all requirements of this chapter are applicable, except as otherwise specified.

NOTE: Authority cited: Sections 25150, 25159, 25159.5, 25179.6 and 58012, Health and Safety Code. Reference: Sections 25159, 25159.5 and 58012, Health and Safety Code; and 40 CFR Section 268.39.

HISTORY

1. Change without regulatory effect adding new section filed 6-4-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 23).
2. Change without regulatory effect amending subsection (c) filed 9-11-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 37).

§66268.39.5. Waste Specific Prohibitions - Newly Listed and Identified Wastes.

(a) Effective August 24, 1998, all newly identified D004-D011 wastes and characteristic mineral processing wastes, except those identified in subsection (b) of this section, are prohibited from underground injection.

(b) Effective May 26, 2000, RCRA characteristic wastes from titanium dioxide mineral processing, and radioactive wastes mixed with newly identified D004-D011 or mixed with newly identified characteristic mineral processing wastes, are prohibited from underground injection.

(c) Effective August 11, 1997, the wastes specified in section 66261.32 as EPA Hazardous Waste Numbers F032, F034, and F035 are prohibited from underground injection.

(d) Effective May 12, 1999, the wastes specified in section 66261.32 as EPA Hazardous Waste Numbers F032, F034, and F035 that are mixed with radioactive wastes are prohibited from underground injection.

(e) On July 8, 1996, the wastes specified in section 66261.32 as EPA Hazardous Waste Numbers K156-K161, P127, P128, P185, P188-P192, P194, P196-P199, P201-P205, U271, U277-U280, U364-U367, U372, U373, U375-U379, U381-U387, U389-U396, U400-U404, U407, and U409-U411 are prohibited from underground injection.

(f) On January 8, 1997, the wastes specified in section 66261.32 as EPA Hazardous Waste Number K088 is prohibited from underground injection.

(g) On April 8, 1998, the wastes specified in section 66261.32 as EPA Hazardous Waste Numbers D018-D043, and Mixed TC/Radioactive wastes, are prohibited from underground injection.

(h) [Reserved]

(i) Effective February 8, 1999, the wastes specified in section 66261.32 as EPA Hazardous Waste Numbers K169, K170, K171, and K172 are prohibited from underground injection.

(j) Effective May 8, 2001, the wastes specified in section 66261.32 as EPA Hazardous Waste Numbers K174 and K175 are prohibited from underground injection.

(k) The requirements of subsections (a) through (j) of this section do not apply if:

(1) The wastes meet the applicable treatment standards specified in article 4 of this chapter;

(2) Persons have been granted an exemption from a prohibition pursuant to a petition under section 66268.6, with respect to those wastes and units covered by the petition; or

(3) Persons have been granted an extension to the effective date of a prohibition pursuant to section 66268.5, with respect to those wastes covered by the extension.

NOTE: Authority cited: Sections 25150, 25159, 25159.5, 25179.6 and 58012, Health and Safety Code. Reference: Sections 25159, 25159.5 and 58012, Health and Safety Code; 40 CFR Section 148.18.

HISTORY

1. Change without regulatory effect repealing section filed 6-4-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 23).

2. Change without regulatory effect amending section heading and repealing and adopting new section filed 7—3—2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 27).